GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted on the Vehicular Traffic Checking Team of Commercial Taxes Department, Kadapa on 10.11.2017 – Allegations of Corruption – Initiation of Disciplinary Proceedings against Sri Rayachoti Ramamoorthy, Junior Assistant, O/o CTO-1, Kadapa under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

REVENUE (VIGILANCE–II) DEPARTMENT

G.O.Rt.No.475 Dated:28.07.2021
Read:

G.O.Ms.No.198, Revenue (Vig.II) Department, dated:28-07-2021.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 2nd read above, it is considered necessary to hold an enquiry against Sri Rayachoti Ramamoorthy, Junior Assistant, O/o CTO-1, Kadapa under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Rayachoti Ramamoorthy, Junior Assistant, O/o CTO-1, Kadapa is directed to submit within Seven (7) days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Rayachoti Ramamoorthy, Junior Assistant, O/o CTO-1, Kadapa is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Rayachoti Ramamoorthy, Junior Assistant, O/o CTO-1, Kadapa is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BAHRGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Rayachoti Ramamoorthy, Junior Assistant, O/o CTO-1, Kadapa (w.e, Annexures-I to IV) through the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to
The Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada.
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.
The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.
The Deputy Commissioner, Commercial Taxes, Kadapa.
SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

ARTICLES OF CHARGES FRAMED AGAINST GOVERNMENT SERVANT SRI RAYACHOTI RAMAMOORTHY, AGED 46 YEARS, S/O LATE R.SUBBANNA, JUNIOR ASSISTANT, O/O COMMERCIAL TAX OFFICER-1, KADAPA

IN SC NO.7/SC-TCD/2017

That Sri Rayachoti Ramamoorthy has joined in Government service on 01-11-1994 as Police Constable at XI APSP (IR) Bn, Bakarapeta, Kadapa. He was promoted as Head Constable on 08-10-2000 and worked at Kadapa, Tirupati, Bakarapeta. Further He was transfer to Commercial Taxes Department on 01-08-2013 appointed as Junior Assistant. He was worked as Junior Assistant, O/o Commercial Tax officer, Kadapa-1 from 01-08-2013 to 10-11-2017. He is here-in-after referred to as Government Servant. While working as Junior Assistant, Kadapa he has committed grave misconduct as much as.

Charge-1:

The Government Servant Sri Rayachoty Ramamoorthy in collusion with other staff, engaged one private driver by name Sri Saranthu Ravi for attending to Government duties for collecting the bribe amount from the goods vehicle's drivers/owners and also mamools from transport offices on behalf of the mobile team staff and for keeping those bribe amount in his safe custody. When Sri Saranthu Ravi was physically checked during the surprise check, Rs.16,000/- was found in his possession and thereby violated Circular Memo No.101/Spl.B/2000-4 dt.17-4-2001 of Govt. of AP, General Administration Dept (Spl. B).

Charge-2:

The Government Servant Sri Rayachoty Ramamoorthy is unable to account for the cash of Rs.4500/- which was found in the dashboard of the Swift Car bearing No. AP 04 TV 2135 which was being used for official duties by the Vehicular Traffic Checking Team of Commercial Taxes Department, Kadapa on hire.

Charge-3:

The Government Servant Sri Rayachoty Ramamoorthy in collusion with other staff used to collect bribe amount of Rs.1000/- to 2000/- per vehicle from Vehicle owners for not harassing them on the pretext of checking their transport vehicles although they were having all the valid records.

Charge-4:

The Government Servant Sri Rayachoty Ramamoorthy escaped by jumping into bushes from the place of surprise check, Kotthapalli Panchayat Ring Road Junction, Proddatur when the ACB team raided the mobile team.

Thus the Government Servant Sri Rayachoty Ramamoorthy while working as Junior Assistant, O/o the Commercial Tax officer-1, Kadapa by his above mentioned acts exhibited lack of integrity, devotion to duty and conduct of unbecoming a Government Servant and thereby contravened Rules 3(1) & 3(2) of APCS (Conduct) Rules, 1964.

RAJAT BAHRGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOR IN SUPPORT OF THE DRAFT ARTICLES OF CHARGES FRAMED AGAINST GOVERNEMENT SERVANT SRI RAYACHOTI RAMAMOORTHY, AGED 46 YEARS, S/O LATE R.SUBBANNA, JUNIOR ASSISTANT, O/O COMMERCIAL TAX OFFICER-1, KADAPA.

IN SC NO.7/SC-TCD/2017

Sri R.Ramamoorthy is a native of Chennarajupodu Village, Obulavaripalli Mandal, YSR District. His date of birth is 10-06-1974. He joined in Government service on 01-11-1994 as Police Constable at XI APSP (IR) Bn, Bakarapeta, Kadapa. He was promoted as Head Constable on 08-10-2000 and worked at Kadapa, Tirupati, Bakarapeta. Further He was transfer to Commercial Taxes Department on 01-08-2013 appointed as Junior Assistant. He was worked as Junior Assistant, O/o Commercial Tax officer, Kadapa-1 from 01-08-2013 to 10-11-2017. He is drawing a pay of Rs.23,100/- to Rs.67,990/-. His basic pay is Rs.37,100/-. His superannuation is on 30-06-2034. He is here-in-after referred to as Government Servant.

Facts of the case:

The Surprise Check was conducted on the Vehicular Traffic Checking Team of the Commercial Taxes Department, Kadapa by the officials of ACB, Kadapa on 10-11-2017 from 06.00 PM to 11.30 PM at Kotthapalli Panchayat Ring Road Junction, Proddaturin vide SC. No. 7/SC-TCD/2017 of ACB, Kadapa by the Anti-Corruption Bureau officials in the presence of independent Mediators.

During the Surprise Check, all the Surprise Check team members including the mediators approaching the mobile team, noticed two male persons, who were standing on the road with a whistle in their hands and were stopping the vehicles passing on Proddatur- Jammulamadugu road by blowing whistles. Another two male persons were found standing beside the Swift Vehicle bearing No. AP 04 TV 2135 and collecting amounts from the goods lorry drivers/owners. Another male person was sitting in the front seat of the swift vehicle bearing No. AP04 TV 2135. The Mobile Team was surrounded by ACB staff and all the persons were asked to stay at their respective places. In meantime one male person, who is standing beside the swift vehicle, escaped by jumping into bushes.

The DSP, ACB disclosed his identity and the identity of the mediators and other ACB staff to the persons found present, about the purpose of conducting a surprise check on the mobile team. Then DSP, ACB asked them to co-operate and reveal their identity. The person sitting in the front seat of the swift vehicle revealed his identity as Sri Moramreddy. Venugopal Reddy, Age 46 Yrs, S/o M.B. Rami Reddy, Deputy Commercial Tax Officer, O/o C.T.O.-I, Kadapa. R/o D.No.20/817, 1st Floor, Co-operative Colony, Near SaibabaTemple, Kadapa. Cell No. 800831165. 9059908165. The two persons on the road with whistles disclosed their identity as Sri Mukkanti. Srinivasulu, Age 40 yrs, S/o M. Chenna Keshavulu, Assistant Commercial Tax Officer, O/o C.T.O.-I, Kadapa. R/o D.No.52/37-A-69, Kothapeta Ramapuram, Rayachoty town, Kadapa.Cell No. 9160395659 and Sri Saranthu. Ravi, Age 40, S/o S. Subbarayudu, Private Driver, R/o H.No. 59/22-2, Nabikot, Kadapa Cell No. 9493590672.The person, who is standing beside the swift vehicle, disclosed his identity as Sri Daggupati. VenkataSubbaiah, Age 59 yrs, S/o Late D. Jayanna, Attender, O/o C.T.O.-I, Kadapa R/o D.No.52/76-2, Nabikot, Kadapa. Cell No.9000516980. When the DSP, ACB, enquired with DCTO about the person escape from the scene, that he revealed the name of the escaped person as Sri Ram Murthy, Junior Assistant, O/o CTO-1, Kadapa.

Then the DSP, ACB, Kadapa got physically checked the above persons and the following amounts are found with them.

Contd.,2

S.No.	Name of the Officer	Cash found in possession
1	Sri Moramreddy Venugopal Reddy, DCTO	Rs. 2500/-
2	Sri Mukkanti Srinivasulu, ACTO	Rs. 300/-
3	Sri Daggupati Venkata Subbaiah, Office Sub-ordinate	Rs. 3000/-
4.	Sri Saranthu Ravi, Private Driver	Rs. 16000/-

When the DSP, ACB, Kadapa asked about the excess amount with them, they kept silent. Since no excess cash is found in the possession of Sri M.Srinivasulu, the personal amount was returned to them under their proper acknowledgement. Further DSP, ACB asked about the Govt. Cash to the DCTO, on that he stated there is no power to collect cash for the irregularities.

Further, the DSP, ACB, Kadapa got checked the swift vehicle bearing No. AP 04 TV 2135, which is using for official duties on hire, an amount of Rs. 4500/- was found in the dashboard. Since no mobile team staff or private person has claimed or accounted for the cash of Rs. 4,500/- is seized by the DSP, ACB for taking further action.

The DSP, ACB, Kadapa seized the Monthly Duty Chart for November 2017 (3 Pages) and also seized one FORM VAT 610 and One FORM VAT 610 and its enclosures issued by DCTO (Total Pages 8) after due attestations by the DSP, ACB and mediators for taking further action.

Then the DSP, ACB, examined the hired vehicle driver Sri S.Ravi about the presence of the above amount and his discharging govt. duty at the mobile team. On that he stated that he is working as a driver to the hired vehicle bearing No. AP 04 TV 2135 at DCTO Sri Venu Gopal Reddy, which was on hire with the Commercial Taxes Department for 9 months and he was being paid an amount of Rs. 6,500/- per month by his owner S.Venkata Subbaiah towards his salary. Further mobile team utilizing his services for stopping the vehicle and for collection and keeping the bribe amount. For that, he was being paid an amount of Rs.300/- per day from the collected bribes by the mobile team. He further stated that he used to collect the amount from the goods vehicles and also mamools from transport offices on behalf of the mobile team staff. Today the mobile collected the mamools from the goods vehicles and transport offices and handed over an amount of Rs.16,000/- to him for safe custody. Hence the DSP, ACB seized an unaccounted amount of Rs.16,000/-available with him for taking further action, etc., facts.

The DSP, ACB secured the following transport owners and their statements were recorded their statements in the presence of the mediators.

1. Sri Nallagatla. Venugopal Reddy, Age 34, S/o VenkataSubba Reddy, Agent, Rayalaseema Transport, Vasthu Complex, near Araveti Theatre, Proddatur, R/o H.No.28/365, Rameswaram, Proddatur.
2. Tulasi Krishna Murthy @ Narayana, 63 years S/o Ramaiah, D.No.4/613, Super Bazar Street, Proddatur. Owner of Sai Ram Transport, Opp. to II town Police Station, Proddatur.

The gist of their statements is that they are running a transport business at proddatur. They regularly used to pay mamools to the commercial tax department, mobile teams, for not harassing in the name of checking their transport vehicles. Further, even though they are having all the valid records the CT officials at the mobile team used to collect the bribe amount of Rs. 1000/- to 2000/- per vehicle for not harassing them, if they do not pay, they will be harassed in the name of checking and registering cases. Today they came to the mobile team at Kottapalli Panchayat ring Road Junction and paid bribe amounts, in the meantime ACB officials conducted a surprise check and examined and their statements were recorded, etc., facts.

Contd.,3

Then the DSP, ACB observed the scene of offence and drawn a rough sketch of the same. The scene of offence is situated in front of the Alnoor Wheels, at Kottapalli Panchayat Ring Road junction, which is running north to south from proddatur to Jammulamudu. There are cheeky bushes on both sides of the road in eastern and western directions. The DSP, ACB, Kadapa drawn the rough sketch of the scene and the mediators and DSP, ACB, attested it.

During the surprise check it was seized an amount of Rs.16000 /- from hired vehicle driver, an amount of Rs.2,500/- from the possession of DCTO, an amount of Rs.3000/- from Sri Venkata Subbaiah, O.S., an amount of Rs. 4,500/- from the Dashboard of the hired vehicle. Thus, a total unaccounted excess amount of Rs.26,000 /- was seized by the DSP, ACB, Kadapa for taking further action.

Total cash seized

Excess Amount seized from the hired vehicle driver	- 16,000/-
Amount seized from the possession of DCTO	- 2,500/-
Amount seized from the possession of O.S.	- 3,000/-
Amount seized from the dashboard	- 4,500/-
	26,000/-

Copy of the proceedings is being handed over to DCTO and his staff under their acknowledgement.

Charge-1:

The Government Servant Sri Rayachoty Ramamoorthy in collusion with other staff, engaged one private driver by name Sri Saranthu Ravi for attending to Government duties for collecting the bribe amount from the goods vehicle's drivers/owners and also mamools from transport offices on behalf of the mobile team staff and for keeping those bribe amount in his safe custody. When Sri Saranthu Ravi was physically checked during the surprise check, Rs.16,000/- was found in his possession and thereby violated Circular Memo No.101/Spl.B/2000-4 dt.17-4-2001 of Govt. of AP, General Administration Dept (Spl. B).

Basis of the charge :

At the time of surprise check the hired vehicle bearing No. AP 04 TB 2135(being used by Sri M.Venu Gopal Reddy, DCTO, for official purpose) driver by name Sri S.Ravi found discharging govt. duties of Vehicular Traffic Checking Team. On physical checking of the driver, an amount of Rs.16000/- was found in his possession. On examination he that stated that he is working as driver to the hired vehicle bearing No. AP 04 TV 2135 at DCTO Sri Venu Gopal Reddy, which was on hire with Commercial Taxes Department for 9 months and he was being paid an amount of Rs. 6,500/- per month by his owner S.Venkata Subbaiah towards his salary. Further mobile team utilizing his services for stopping goods vehicle, for collection and keeping the bribe amount. For that he was being paid an amount of Rs.300/- per day from the collected bribes by the mobile team. He further stated that he used to collect amount from the goods vehicles and also mamools from transport offices on behalf of the mobile team staff. On the day of surprise check the mobile team collected the mamools from the goods vehicles and transport offices and handed over an amount of Rs.16,000/- to him for safe custody. Hence the DSP, ACB, Kadapa seized an un accounted amount of Rs.16,000/-available with him for taking further action. The Government and the competent authorities have clearly stated through different G.Os and Circular Memos, that the employment of private persons without authorization is not permissible. It was clearly mentioned in Memo No.101/Spl.B/2000-4 dt.17-4-2001 of Govt. of AP,

Contd.,4

General Administration Dept (Spl. B) that "No Manual or any Procedure has prescribed to engage a private person to perform certain official duties during the course of departmental activity".

Charge-2:

The Government Servant Sri Rayachoty Ramamoorthy is unable to account for the cash of Rs.4500/- which was found in the dashboard of the Swift Car bearing No. AP 04 TV 2135 which was being used for official duties by the Vehicular Traffic Checking Team of Commercial Taxes Department, Kadapa on hire.

Basis of the charge :

During the surprise check on checking swift car vehicle bearing No. AP 04 TV 2135, which was used by Sri M.Venugopal Reddy, DCTO, Kadapa for official duties on hire basis, an amount of Rs. 4500/- was found in the dash board and it was unaccounted by the DCTO and his staff. The said amount was seized by the Dy. Superintendent of Police, ACB, Kadapa.

Charge-3:

The Government Servant Sri Rayachoty Ramamoorthy in collusion with other staff used to collect bribe amount of Rs.1000/- to 2000/- per vehicle from Vehicle owners for not harassing them on the pretext of checking their transport vehicles although they were having all the valid records.

Basis of the charge :

During course of search, DSP, ACB, Kadapa secured the transporters 1. Sri Nallagatla. Venu gopal Reddy, Age 34, S/o Venkata Subba Reddy, Agent, Rayalaseema Transport, Vasthu Complex, near Araveti Theatre, Proddatur, R/o H.No.28/365, Rameswaram, Proddatur. Cell No. 9849008502. 2. Tulasi Krishna Murthy @ Narayana, 63 years S/o Ramaiah, D.No.4/613, Super Bazar Street, Proddatur Cell No. 9885255197. Owner of Sai Ram Transport, Opp. to II town Police Station, Proddatur and examined and recorded their statements. As per their statements that they are running transport business at proddatur. They regularly used to pay mamools to the commercial tax department mobile teams for not harassing in the name of checking their transport vehicles. Further, even though they are having all the valid records the CT officials at mobile team used to collect bribe amount of Rs. 1000/- to 2000/- per vehicle for not harassing them, if they do not pay, they will be harassed in the name of checking and registering cases. Today they came to mobile team at Kottapalli Panchayat ring Road Junction and paid bribe amounts, in mean time ACB officials conducted surprise check and examined and their statements were recorded and etc., facts.

Charge-4:

The Government Servant Sri Rayachoty Ramamoorthy escaped by jumping into bushes from the place of surprise check, Kotthapalli Panchayat Ring Road Junction, Proddatur when the ACB team raided the mobile team.

Basis of the charge :

The Surprise Check was conducted on the Vehicular Traffic Checking Team of Commercial Taxes Department, Kadapa by the officials of ACB, Kadapa on 10-11-2017 from 06.00 PM to 11.30 PM at Kotthapalli Panchayat Ring Road Junction, Proddatur in the presence of mediators. The employees present in Vehicular Traffic Checking Team at the time of search are 1. Sri M.Venugopal Reddy, DCTO, 2. Sri M. SRinivasulu, ACTO, 3. Sri R.RamaMurhty, Jr. Assistant and Sri D.Venkata Subbaiah, Office Sub Ordinate, all are the O/o CTO-1, Kadapa.When the mobile team was surrounded by ACB staff, Sri R.Rama Murthy, Jr. Assistant escaped by jumping into bushes.

Contd.,5

When the Sri. M.Venugopal Reddy, DCTO was asked about the person who had escaped from the scene of surprise check, he stated before the mediators that the name of the escaped person was Sri Ram Murthy, Junior Assistant, O/o CTO—1, Kadapa.

On perusal of the Attendance Register and letter RC No.SA1/16/2017 dated 23.11.2017 of the Commercial Tax Officer-1, Kadapa revealed that Sri R.Rama Murthy, Junior Assistant was on duty on the date of surprise check on 10.11.2017.

Thus, the Government Servant Sri Rayachoty Ramamoorthy, Junior Assistant, O/o Commercial Tax officer-1, Kadapa by his above mentioned acts failed to maintain absolute integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3(1), 3(2) of APCS (Conduct) Rules, 1964.

The Government Servant had therefore rendered himself liable to be place on his defense before the Commissioner of Inquiry for major penalty.

RAJAT BAHRGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF RECORDS/DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST GOVERNMENT SERVANT SRI RAYACHOTI RAMAMOORTHY, AGED 46 YEARS, S/O LATE R.SUBBANNA, JUNIOR ASSISTANT, O/O COMMERCIAL TAX OFFICER-1, KADAPA

IN SC NO.7/SC-TCD/2017

1. Surprise Check Proceedings dated 10-11-2017 drafted at Kottapalli Panchayat Ring Road junction, infront of Alnoor Wheel Shop, Proddutur against officials of Commercial Tax Department, Kadapa.
2. Monthly Duty Chart
3. FORM VAT 610 and one FORM VAT 610.
4. Letter in RC No.SA1/16/2017 dt 15.11.2017 & 05.12.2017 of Commercial Tax officer (FAC), Kadapa-1 Circle, Kadapa.
5. Letter in RC No.SA1/16/2017 dated 23.11.2017 of Commercial Tax officer, Kadapa-1 Circle, Kadapa.

RAJAT BAHRGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHICH ARTICLES OF CHARGES FRAMED AGAINST GOVERNMENT SERVANT SRI RAYACHOTI RAMAMOORTHY, AGED 46 YEARS, S/O LATE R. SUBBANNA, JUNIOR ASSISTANT, O/O COMMERCIAL TAX OFFICER-1, KADAPA

IN SC NO.7/SC-TCD/2017.

1. Chilecompalli Konda Reddy, S/o C. Narayana Reddy, Age 55yrs Head Master, Z.P. High School, Dorasanipalli, Proddatur (M), YSR District, R/o H.No. 26/917-8, GuravaiahThota, Hanuman Nagar, Proddatur. (Mediator -1)
2. Mude. ChendraSekharNaik, S/o Late SiddeNaik, Age 47 Yrs, Record Assistant Govt. Girls High School, Rajabata Street, Proddatur. R/o H.No. 3/89, Prakash Nagar, Y.M.R. Colony, Proddatur. (Mediator-2)
3. Sri Saranthu. Ravi, Age 40, S/o S. Subbarayudu, Private Driver, R/o H.No. 59/22-2, Nabikot, Kadapa.
4. Sri Nallagatla. Venugopal Reddy, Age 34, S/o VenkataSubba Reddy,Agent, Rayalaseema Transport, Vasthu Complex, near Araveti Theatre, Proddatur, R/o H.No.28/365, Rameswaram, Proddatur.
5. Tulasi Krishna Murthy @ Narayana, 63 years S/o Ramaiah, D.No.4/613, Super Bazar Street, Proddatur. Owner of Sai Ram Transport, Opp. to II town Police Station, Proddatur.
6. Sri N.Nagaraju, DSP,ACB, Kadapa
7. Sri K.Ramachandra, Inspector of Police, ACB, Kadapa
8. Sri. M. Sudhakara Reddy, Inspector of Police, ACB, Kadapa.

If any record/ document found to be relevant will be produced during the enquiry.

RAJAT BAHRGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER